

Warrant with Finance Committee Recommendations

**WARRANT
TOWN OF ABINGTON
COMMONWEALTH OF MASSACHUSETTS
SPECIAL TOWN MEETING**

PLYMOUTH, SS.

To either of the Constables of the Town of Abington ...

GREETINGS. In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town, who are qualified to vote in Town affairs, to meet in

**ABINGTON HIGH SCHOOL
201 RICHARD FRANCIS GLINIEWICZ WAY
IN PRECINCT FIVE IN SAID ABINGTON,
ON MONDAY, THE 29TH OF OCTOBER, 2012, AT 7:00 IN THE EVENING**

Then and there to act on the following articles:

Article 1a: To see if the Town will vote to transfer from Free Cash the sum of \$500,435.00 to the Stabilization Fund;

Article 1b: To see if the Town will vote to transfer from Free Cash the sum of \$311,942.00; \$30,000.00 from Health Insurance line item 001-9140-5175-0500; and \$2,270.00 from available funds to the Capital Improvement Trust Fund;

Article 1c: To see if the Town will vote to transfer from Free Cash the sum of \$16,681.00 to the Other Post Employment Benefits Liability Trust Fund; or take any other action relative thereto.

BY TOWN MANAGER

Explanation: A positive vote will transfer Free Cash, a one-time revenue source reflecting amounts turned back from the FY2012 budget, to three important reserve funds: the Stabilization Fund, which is the equivalent of the Town's "rainy day fund" which may be appropriated by a 2/3 vote of Town Meeting for any legal purpose; the Capital Improvements Trust Fund, which may be appropriated for capital purchase and acquisitions; and the Other Post Employment Benefits Liability Trust Fund, which account is used to build reserves to meet unfunded post-employment liability.

**The Finance Committee recommends approval of this article
as written in the warrant.**

Article 2: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$105,565.00 for funding the FY2013 Property/Casualty Liability and Worker's Compensation expenses, or take any other action relative thereto.

BY TOWN MANAGER

Explanation: A positive vote will bring the account to the amount needed for the remainder of the fiscal year. This item was underfunded at the Spring Annual Town Meeting.

**The Finance Committee recommends approval of this article
as written in the warrant.**

Article 3: To see if the Town will vote to increase the salary of the Town Clerk pursuant to the provisions of G.L. c.41, §108, by raising and appropriating or transferring from available funds the sum of \$ 3,412.00 for such purposes, or take any other action relative thereto.

<u>Position</u>	<u>Classification</u>	<u>Current salary</u>	<u>Proposed salary</u>
Town Clerk	M5	\$60,351.20	\$63,763.20
Total:		\$3,412.00	

BY TOWN MANAGER

Explanation: The Town Clerk's salary may be increased by a 2/3 vote of Town Meeting at any time prior to the setting of the tax rate. A positive vote will approve the proposed increase to bring the Town Clerk's compensation to a level more in line with the experience and expertise required for the position. The Town Clerk did not receive an increase last year.

**The Finance Committee recommends approval of this article
as written in the warrant.**

Article 4: To see if the Town will vote to transfer from the Capital Improvement Trust Fund or Free Cash, or otherwise provide such sums as are necessary to fund the FY2013 Capital Plan for the purposes and in the amounts in the column entitled "Town Manager Recommended", as set forth below, or take any other action relative thereto.

BY TOWN MANAGER

[See Capital Plan chart]

Explanation: A positive vote will approve the capital projects and expenditures that the Town has determined are most critical to continued operations, and that have been recommended by the Town Manager. Some of the expenditures are for equipment that must be replaced. Others are for new equipment that will allow the Town to continue to provide services at the high level expected by the public. The Capital Improvement Trust Fund may be expended for capital purchases of at least \$10,000 with a useful life of three or more years, or for debt service on such purchases. Capital items not meeting these requirements must be funded from another funding source, such as free cash.

**The Finance Committee recommends approval of this article
as written in the warrant.
Approval of this article will provide funding for certain capital items
referenced under the column “Town Manager Recommended”.**

Article 5: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$1,800.00 for the purpose of updating the codification of the Charter and Bylaws of the Town (General Code), or take any other action relative thereto.

BY TOWN CLERK

Explanation: A positive vote will allow the Town to continue incorporating its legislative enactments into the Town Code so as to ensure that the codification of the Town’s Charter and Bylaws is complete and accurate.

**The Finance Committee recommends approval of this article
as written in the warrant.**

Article 6: To see if the Town will vote to amend the vote taken under Article 15L of the April 2, 2012 Annual Town Meeting, which vote authorized the Board of Selectmen to petition the General Court for special legislation to amend the Charter with respect to availability of the warrant prior to Town Meeting and amended the Town’s General Bylaws to be consistent therewith, by revising said 152.2C of the Town Bylaws to allow for distribution of notice in an appropriate way, such as a folded piece of paper, rather than a postcard, to provide notice of an upcoming meeting, so that 152.2C will provide as follows:

C. Notice. No later than one week prior to the date of town meeting, a notice shall be delivered to the post office for mailing to each residence of one or more registered voters in the town setting forth, at a minimum, the date, time and place of the town meeting, as well as language similar to the following:

The warrant and Finance Committee recommendations may be viewed at the Town Clerk’s office at 500 Gliniewicz Way or on the Town’s website at www.abingtonma.gov. Contact the Town Clerk at (781-982-2112 to request a paper copy of the warrant.

Or take any other action relative thereto.

BY TOWN MANAGER

Explanation: A positive vote will allow the Town to comply with the newly adopted bylaw and Post Office procedures regarding notification to Town residents with regard to Town Meeting by allowing use of whatever notification mechanism is the most efficient and cost effective, including a postcard, single sheet of folded paper, or other available method of notice.

**The Finance Committee recommends approval of this article
as written in the warrant.**

Approval of this article will allow the town to mail a notice to registered voters informing them of the date, time and place of the town meeting, as well as provide information regarding where one can obtain a copy of the meeting warrant. This will reduce the cost associated with mailing a full copy of the warrant to each resident's home, as well as reduce paper usage, printing and energy costs.

Article 7: To see if the Town will vote to accept the provisions of General Laws Chapter 44, Section 53F ½ for the purpose of establishing an Ambulance Enterprise Fund, effective in Fiscal Year 2013; and further to establish the FY2013 Ambulance Enterprise Fund budget as follows:

Salaries and Compensation	\$ 480,000.00
Expenses	\$ 65,000.00
Indirect Costs	\$ 70,000.00

with \$ 545,000.00 to come from Enterprise Receipts and \$ 70,000.00 to be raised and appropriated in the general fund operating budget and allocated to the Enterprise Fund for funding, or to take any other action relative thereto.

BY TOWN MANAGER

Explanation: A positive vote will allow the Town to establish an Ambulance Enterprise Fund, which will allow the Town to track all ambulance related expenses, set fees accordingly, and when making appropriations for such ambulance-related purposes, rely on estimated, rather than collected, ambulance receipts. The vote further establishes the Ambulance Department budget for FY2013.

The Finance Committee cannot provide a recommendation on this article at this time as there is still some concern about the figures in the article.

**We will seek additional information from the Town Manager
and provide a recommendation at Town Meeting.**

Article 8: To see if the Town will vote to raise and appropriate or transfer from available funds, including the Sewer Enterprise Fund, the sum of \$16,375.09 to fund and implement the retroactive cost items of the Collective Bargaining Agreement between the Town and the American Federation of State County and Municipal Employees Highway, Sewer, Park and Recreation for the period beginning July 1, 2010 and ending June 30, 2012, and the related increases to base salaries for the current fiscal year, or take any other action relative thereto.

BY TOWN MANAGER

Explanation: A positive vote will appropriate the cost items necessary to fund and implement the collective bargaining agreement between the Town and the specified union for the term indicated. The funds appropriated under this article will cover retroactive pay increases for FY2012, as well as related increases to base salaries for the current fiscal year. A portion of this appropriation will be paid from the Sewer Enterprise Fund.

**The Finance Committee recommends approval of this article
as written in the warrant.**

Article 9: To see if the Town will vote to raise and appropriate or transfer from available funds, including the Sewer Enterprise Fund, a sum of money to fund and implement current cost items of the Collective Bargaining Agreement between the Town and American Federation of State County and Municipal Employees (AFSCME) Highway, Sewer, Park and Recreation for the period beginning July 1, 2012 and ending June 30, 2015, or take any other action relative thereto.
BY TOWN MANAGER

Explanation: At the time of printing, the parties were still in negotiations for a successor agreement. Should the parties agree on a successor agreement, a positive vote will appropriate the cost items necessary to fund and implement the collective bargaining agreement between the Town and the specified union for the term indicated. A portion of the funds appropriated under this article will be paid from the Sewer Enterprise Fund. In the event no agreement is reached prior to Town Meeting, this article will be passed over.

**The Finance Committee cannot provide a recommendation on this article at this time as the parties are still in negotiations. The Finance Committee will defer to the Town Manager for additional update on the status of this issue.
A recommendation will be provided at Town Meeting.**

Article 10: To see if the Town will vote to raise and appropriate or transfer from available funds, including the Ambulance Receipts Reserved Account/Ambulance Enterprise Fund the sum of \$156,468.59 to fund and implement the retroactive and current cost items of the Collective Bargaining Agreement between the Town and International Association of Fire Fighters (IAFF) Local 2080 for the period beginning July 1, 2012 and ending July 1, 2015, or take any other action relative thereto.

BY TOWN MANAGER

Explanation: A positive vote will appropriate the cost items necessary to fund and implement the collective bargaining agreement between the Town and the specified union for the term indicated. A portion of the funds appropriated under this article will be paid from ambulance related revenues – i.e., from the Ambulance Receipts Reserved Account if Article 7 fails or from the Ambulance Enterprise Fund if Article 7 is approved.

**The Finance Committee recommends approval of this article
as written in the warrant.**

Article 11: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$16,245.60 to fund energy improvements by National Grid at Town buildings, with the goal of realizing an estimated annual energy savings of \$39,734.43 including: Woodsdale, Beaver Brook, Center, North, Frolio, and High Schools; Fire Stations; Library, Police Station, Council on Aging, Sewer Department, and Town Hall, or take any other action relative thereto
BY TOWN MANAGER

Explanation: A positive vote will appropriate funds for system-wide energy improvements that will ultimately result in energy cost savings. The total project costs are estimated to be \$191,124.50, which costs will be borne in large part by National Grid. The Town's portion, \$16,245.60, represents only a fraction of the total project costs.

**The Finance Committee recommends approval of this article
as written in the warrant.**

Article 12: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$1,000.00 for Hazardous Waste Day expenses, or take any other action relative thereto.

BY BOARD OF HEALTH

Explanation: A positive vote on this annual article will fund the Board of Health's expenses associated with collection of wastes that would otherwise be uncollectable.

**The Finance Committee recommends approval of this article
as written in the warrant.**

Article 13: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$4,540 for Abington Cultural Council programs and expenses, such appropriation to supplement an equivalent amount of state funding provided for such purposes, or take any other action relative thereto.

BY TOWN MANAGER

Explanation: A positive vote will appropriate funds for the operations of the Abington Cultural Council. The State funded an equivalent amount for the Council's operations.

**The Finance Committee recommends approval of this article amended to
reflect the sum of \$2,270 replace the sum of \$4,540 above.**

Article 14: To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, or otherwise for general municipal purposes and accept the deed in fee simple to a 4.9 acre parcel, more or less, located off Groveland Street, Abington, and shown as “Lot A” on a plan entitled “Estate of Kenneth M. Newcomb”, dated September 28, 2011, and prepared by Kelly Engineering Group, Inc., recorded in the Registry of Deeds as Book 56, Page 1172, which property is currently owned by the Estate of Kenneth Newcomb and Harvey Hurvitz/Cape Cod Lumber, Inc., or take any other action relative thereto.

BY TOWN MANAGER

Explanation: A positive vote will authorize the Board of Selectmen to acquire the land at issue. It is anticipated that such land will be gifted to the Town, and that no funds will be requested in connection therewith. Acquisition of this parcel would allow the Town to proceed with the capping of the old landfill without undertaking eminent domain proceedings against abutters to said landfill, which can be costly.

**The Finance Committee recommends approval of this article
as written in the warrant.**

Article 15: To see if the Town will vote to rescind the following borrowing authorizations for the projects and in the amounts specified:

Town Meeting	Project	Amount
Article 19, May 3, 2006 ATM	Chestnut Street Water Tank Construction	\$ 30,906.00
Article 5, April 4, 2011 STM	Woodsdale Green Repair	\$1,031,488.00

Or take any other action relative thereto.

BY TREASURER/COLLECTOR

Explanation: A position vote will rescind previously approved borrowing authorizations. Debt was not issued in the amounts specified as such funds were not needed to complete the projects at issue. Rescission of excess and unneeded borrowing authorization is of overall benefit to the Town’s fiscal position.

**The Finance Committee recommends approval of this article
as written in the warrant.**

Article 16: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for legislation providing additional state aid directly to the Town of Abington or other state funding, or otherwise reallocating existing state funding, for the purposes of maintaining, upgrading, and improving essential components of local, regional and state-controlled transportation infrastructure located in the Town of Abington, or take any other action relative thereto.

BY TOWN MANAGER

Explanation: The Board of Selectmen approved a resolution for these purposes during the summer of 2012 and forwarded the same to the Town's State Senator and State Representative. At this time, the Board believes it is imperative that the Commonwealth of Massachusetts provide additional funding for local, regional and state-controlled transportation infrastructure located within the Town of Abington. Such infrastructure includes highways, roads, bridges and rail, which infrastructure the Town has determined is in need of substantial maintenance, upgrades and other improvements. Approval of this article will authorize the Board of Selectmen to petition the General Court for such purposes, in whatever form the Board of Selectmen deems appropriate, and will send a clear message to the Town's State Representative and State Senator that this is a high-level priority for the Town.

**The Finance Committee recommends approval of this article
as written in the warrant.**

Article 17: To see if the Town will vote to amend the Town Bylaws by adopting a new Bylaw establishing certain standards of conduct for Town employees and officers, as follows, and further, to authorize the Town Clerk to assign said bylaw a proper number consistent with the numbering system in said Town Bylaws:

Ethical Standards

Elected and appointed officers, officials and employees of the Town of Abington, whether or not compensated, and whether serving in a part-time, full-time or volunteer capacity (hereinafter "municipal employees"), shall comply with the provisions of G.L. c.268A, and in that regard shall: demonstrate, in their general conduct and in the performance of their duties and responsibilities, the highest ethical standards; recognize that they hold their offices or positions for the benefit of the public; and, while acting in their official capacity, faithfully discharge the duties of their offices or positions in the public interest, regardless of personal considerations. Municipal employees shall not use their offices or positions to secure or grant special consideration, treatment, advantage, privilege or exemption to themselves or to any other person beyond that which is available to every person. Further, municipal employees shall not represent anyone other than themselves in matters in which the Town has a direct and substantial interest unless they comply with the provisions of G.L. c.268A, §17. Prior to appearing in person before any Town board, committee, officer or employee on behalf of any person other than themselves, members of their immediate family or any person for whom they are serving as guardian, executor, administrator, trustee or other personal fiduciary and except as such appearance relates to action in furtherance of their municipal position, municipal employees shall file with the Town Clerk written notice thereof on a form prepared by the Town for such purposes. Such notice need be filed only once in connection with representation with respect to a particular property or, to the extent that the representation does not involve property, a particular matter, regardless of the number of times the municipal employee may appear before the Town in connection therewith. The notices shall be maintained in a separate file or notebook, and shall be public records subject to mandatory disclosure upon request, or take any other action relative thereto.

BY BYLAW REVIEW COMMITTEE

Explanation: Approval of this bylaw amendment reaffirms the obligations of Town employees and elected and appointed officials with respect to compliance with the Conflict of Interest Law and inserts a requirement not found in that law that special municipal employees who may represent third parties in person before Town boards or employees file notice with the Town Clerk of such representation.

The Finance Committee recommends passing over this article.

The first part of this article attempts to set up a bylaw which requires regular and municipal employees to comply with an already established Massachusetts State ethics law, with which municipal employees are already required to comply. There is no valid reason for the Town to have a bylaw which just requires employees to comply with a State law. The Finance Committee also feels that the additional rider detailed in this bylaw does not add substance to the statutorily-required ethical behavior of Municipal Employees; both special and regular, volunteer and paid. Additionally, the Finance Committee feels that the inclusion of the additional “notice of appearance” or “representation filing” step required by this bylaw is one of record keeping and not that of ethics. It is our understanding from Town Counsel that no other town in the Commonwealth has such a rider. Lastly, we feel this bylaw could likely keep potential volunteers from offering their time to the Town due to the additional, seen and unforeseen pitfalls above including but not limited to fines and questionable unsubstantiated accusations of ethics violations.